



1 I, Carol Frattura, hereby declare as follows:

2 I am the Vice President of Showcase Dental Laboratories, Inc.  
3 (“Showcase”), located in Port Charlotte, Florida. I have personal knowledge of  
4 the matters set forth herein. If called upon to testify, I could and would testify  
5 as follow:

6 1. My husband and I founded Showcase in 2004. Showcase Dental  
7 Laboratory is a dental laboratory that provides various products to dentists for  
8 use with their patients. The different categories of products we sell include  
9 dental restorations such as crowns, bridges, dentures, partials, and implant  
10 restorations. There are many different products available within each of these  
11 categories. Our customers are dentists who order products from us for use with  
12 their patients. My husband is the President of Showcase and I am the Vice  
13 President.

14 2. As Vice President, my responsibilities at Showcase include, among  
15 other things, managing the customer service department, accounting, and  
16 managing the incoming laboratory cases.

17 3. To order a dental restoration from Showcase Dental Laboratory, a  
18 dentist specifies the specific dental restoration that they would like  
19 manufactured for them by filling out a prescription form. The prescription form  
20 allows the dentist to specify a particular patient, a particular tooth (or teeth), a  
21 particular dental restoration, and ancillary information such as shading of the  
22 dental restoration. The dentist sends the prescription form to our lab along with  
23 the impression or model accompanying the case. We then fabricate a custom  
24 made product for that patient in accordance with the prescription order.

25 4. Fabricating crowns and bridges according to dentists specifications  
26 make up approximately two-thirds of our business at Showcase.

27 5. Showcase currently sells a full contour zirconia crown under the  
28 name FCZ which stands for “Full Contour Zirconia.” During the months of

1 September and October 2012, Showcase filled 348 orders for our FCZ crown.

2 6. Attached hereto as **Exhibit A** are true and correct copies of  
3 prescription order forms that Showcase Dental Laboratory has received from  
4 dentists ordering dental restorations. In the attached exhibits, the patients' last  
5 names have been redacted to protect their identities. Also, the original  
6 prescription order forms did not include the labels KDA-004853 through  
7 KDA004870, which were added to the documents attached as Exhibit A in  
8 connection with this litigation.

9 7. The prescription order forms attached as Exhibit A are examples of  
10 prescription orders received by Showcase Dental Laboratory in which the  
11 dentists ordered an all-zirconia crown by referencing a "bruxzir," "bruxer,"  
12 "bruxir," crown, or other similar spelling.

13 8. I have spoken with many dentists over the years who refer to all-  
14 zirconia crowns as "bruxer crowns." Since "bruxer" and "bruxzir" are  
15 pronounced the same, the dentists could also be speaking of a "bruxzir crown"  
16 during these conversations. From my experience in the dental field and  
17 speaking with numerous dentists, I understand a bruxer crown to be a crown for  
18 bruxers.

19 9. I have seen dentists use the terms "bruxzir," "bruxer," "bruxir," and  
20 other similar spellings to indicate an all-zirconia crown on many prescription  
21 order forms received at Showcase. Any orders received by Showcase Dental  
22 Laboratory using these terms are fulfilled by Showcase by providing a full  
23 contour zirconia crown made by Showcase.

24 10. As a dental laboratory that provides products for dentists,  
25 Showcase Dental Laboratory is a direct competitor of Keating Dental Arts and  
26 Glidewell Laboratories.

27 11. The all-zirconia crowns sold by Showcase Dental Laboratory are  
28 not made with material originating with Glidewell Laboratories. Moreover,

1 there is no affiliation whatsoever between Showcase Dental Laboratory and  
2 Glidewell Laboratories.

3 12. Between the end of 2010 and Jan 2012, Showcase Dental  
4 Laboratory offered for sale a full contour zirconia crown using the product name  
5 “Zir-Bruxer.” Showcase used this name because it readily described the product  
6 for which it was named. The “Zir” prefix identified that the crown was made of  
7 zirconia. The “Bruxer” suffix identified that the crown was an all-zirconia  
8 crown without any porcelain overlay so that it would be strong enough to be  
9 used as a bruxer crown, or a crown for bruxer patients who often chip the  
10 porcelain on other crowns.

11 13. Attached as **Exhibit B** is a true and correct copy of correspondence  
12 that I exchanged with Keith Allred of Glidewell Laboratories regarding  
13 Showcase Dental Laboratory’s use of the name “Zir-Bruxer.” The original  
14 correspondence did not include the labels GL 241 (pages 71 of 99 through 79 of  
15 99), which were added to the documents attached as Exhibit B in connection  
16 with this litigation.

17 14. In the documents attached as Exhibit B, Mr. Allred claimed that  
18 Showcase Dental Laboratory’s use of the term “Zir-Bruxer” was an  
19 infringement of Glidewell’s registered trademark “BruxZir.”

20 15. I disagreed with Mr. Allred’s assertions that our use of Zir-Bruxer  
21 was an infringement of Glidewell’s registered mark “BruxZir.” As I stated in  
22 my replies to Glidewell, “Zir-Bruxer” was “short for a zirconia bruxer crown”  
23 and as such was a “generic description” of the product. (Ex. B, GL 241 p. 75 of  
24 99, 76 of 99). In his response, Mr. Allred asserted that the names were  
25 confusingly similar, at least in part because BRUXER sounds like BRUXZIR.

26 16. With the threat of a federal lawsuit, I felt it was more important to  
27 focus my time and energy on providing my customers with high quality goods  
28 and services than to expend resources defending my use of a generic term in


1 court. I let Mr. Allred know that I did not agree with his view on infringement,  
2 but that Showcase Dental Laboratory would change the name of its all-zirconia  
3 crown to avoid the dispute with Glidewell Laboratories.

4 17. Thereafter, in January 2012, I changed the name of Showcase  
5 Dental Laboratory's all-zirconia crown to "FCZ." I posted the letter that I  
6 received from Mr. Allred on Showcase Dental Laboratory's website along with  
7 an announcement that our product name had changed to "FCZ." I did this so  
8 that our customers would understand why we made the change.

9 18. I continue to receive prescription orders from dentists that request a  
10 "bruxzir crown," "bruxer crown," or similar spelling even though our current  
11 product name does not contain either term "bruxzir" or "bruxer." To me, it is  
12 clear that these dentists are requesting an all zirconia crown made by our lab and  
13 I continue to fulfill these orders.

14 I declare under penalty of perjury under the laws of the United States of  
15 America that the foregoing is true and correct.

16 Executed November 15, 2012, in Port Charlotte, Florida.

17  
18   
19 Carol Frattura  
20  
21  
22  
23  
24  
25  
26  
27  
28

# EXHIBIT A



22286 Vick St.  
Port Charlotte, FL 33980  
[www.Showcasedental.com](http://www.Showcasedental.com)

Phone: 888 625-5757  
Phone: 941 625-5757  
Fax: 877 625-7980  
DL#10964

13475

Doctor Alfred Int License# 13475  
Office Port Charlotte Contact Port Charlotte  
E-Mail Port Charlotte Phone Port Charlotte  
Address 743 Grand River Ave Suite# 202  
City, St, Zip Brighton FL 33114  
Patient Name- Last Port Charlotte First Linda  
Due Date 3/16/12 Appt. Date 3/20/12  
Male Female X

Pfm Shade \_\_\_\_\_ Case Design \_\_\_\_\_  
Shade \_\_\_\_\_ Crown to Fit Partial \_\_\_\_\_ Rest on Crown \_\_\_\_\_ Guide Plane \_\_\_\_\_  
Non-Precious \_\_\_\_\_ Keep Pt's Partial \_\_\_\_\_ MO \_\_\_\_\_ Distal \_\_\_\_\_  
Noble \_\_\_\_\_ Resin Pattern Dup \_\_\_\_\_ DO \_\_\_\_\_ Mesial \_\_\_\_\_  
High Noble White \_\_\_\_\_ Cingulum \_\_\_\_\_ Survey Crown \_\_\_\_\_  
High Noble Yellow \_\_\_\_\_ Lingual Shelf \_\_\_\_\_

Metal Free \_\_\_\_\_ Margin Design-Porcelain \_\_\_\_\_  
E-MAX <sup>inlay, veneer</sup> \_\_\_\_\_ Porcelain Facial Margin \_\_\_\_\_ Anterior \_\_\_\_\_  
E-MAX Crown \_\_\_\_\_ Porcelain Margin 360 \_\_\_\_\_ Posterior \_\_\_\_\_  
Empress <sup>inlay, veneer</sup> \_\_\_\_\_  
Empress Crown \_\_\_\_\_  
Zirconia \_\_\_\_\_  
Zir-Bruker \_\_\_\_\_

Full Metal \_\_\_\_\_  
Non-Precious \_\_\_\_\_  
Noble White \_\_\_\_\_  
Noble Yellow \_\_\_\_\_  
High Noble White \_\_\_\_\_  
High Noble Yellow \_\_\_\_\_

Implant Case \_\_\_\_\_ Parts included please list \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please fab Bruker #2  
Shade C, Thank you!

sign R. Clement Date 2/28/12

LAB SCRIPT FIXED





**SHOWCASE**  
DENTAL LABORATORIES

22286 Vick St.  
Port Charlotte, FL 33980  
www.Showcasedental.com

Phone: 888 625-5757  
Phone: 941 625-5757  
Fax: 877 625-7980  
DL#10964

**22709**

Doctor Paul Babb Contact Paul Babb  
Office Port Charlotte Phone 941-354-4031  
E-Mail Paul.Babb@showcasedental.com  
Address 751 N. A St. Suite# 601  
City, St, Zip Port Charlotte, FL 33980  
Patient Name-Last Babb First Paul  
Due Date 8-8-13 Appt. Date 8-8-13  
Male      Female     

Case Design  
Crown to Fit Partial      Rest on Crown      Guide Plane       
Keep PT's Partial      MO      Distal       
Resin Pattern Dup      DO      Mesial       
Cingulum      Survey Crown       
Lingual Shelf     

Margin Design-Porcelain      Margin Design-Metal     

Porcelain Facial Margin       
Porcelain Margin 360     



Lack of Occlusal Space: Spot Opposing      Reduce Prep       
Reduction Coping      Call     

E-mail Pictures to: [info@showcasedental.com](mailto:info@showcasedental.com)

Special Instructions: Bruzeir crown #18

PFM      Shade      Bridge Tooth#       
Non-Precious       
Noble       
High Noble White       
High Noble Yellow     

Metal Free      Shade      Stumpf Shade      Necessary       
E-MAX       
E-MAX Crown       
PFZ Porcelain to Zirconia       
PFZ Full Contour Zirconia     

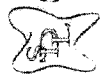
Full Metal       
Non-Precious       
Noble White       
Noble Yellow       
High Noble White       
High Noble Yellow     

Implant Case      Parts Included please list     

Signature Paul Babb Date 7-19-13

**LAB SCRIPT FIXED**





**SHOWCASE**  
Dental Lab, Inc.

22286 Vick St.  
Port Charlotte, FL 33980  
www.Showcasedental.com

Phone: 888 625-5757  
Phone: 941 625-5757  
Fax: 877 625-7980  
DL#10964

**SHIP**

**22944**

Doctor Wilson License# DS0306  
Office Port Charlotte Contact Port Charlotte  
E-Mail Port Charlotte Phone 888-625-5757  
Address 533 Broadway, NY 10012 Suite# 100  
City, St, Zip Port Charlotte, FL 33980  
Patient Name: Last Wilson First Brian  
Due Date 8/15/12 Appt. Date 8/15/12  
Male ✓ Female ✓

Case Design  
Crown to Fit Partial            Rest on Crown            Guide Plane             
Keep Pt's Partial            IMO            Distal             
Resin Pattern Dup            DO            Mesial             
Cingulum            Survey Crown             
Lingual Shelf           

Margin Design-Porcelain            Margin Design-Metal           

Porcelain Facial Margin             
Porcelain Margin 360           



Lack of Occlusal Space: Spot Opposing            Reduce Prep             
Reduction Coping            Call           

E-mail Pictures to: [info@showcasedental.com](mailto:info@showcasedental.com)

Special Instructions:

PFM            Shade            Bridge Tooth#             
Non-Precious             
Noble             
High Noble White             
High Noble Yellow           

Metal Free            Shade            Stump Shade            Necessary             
E-MAX             
E-MAX Crown             
PFZ Porcelain to Zirconia             
FCZ Full Contour Zirconia           

Full Metal             
Non-Precious             
Noble White             
Noble Yellow             
High Noble White             
High Noble Yellow           

Implant Case            Parts Included please list           

Thank you           

Signature            Date 7/26/2012

**LAB SCRIPT FIXED**

Exhibit A

KDA-004855

**SHIP** **23081**

**SHOWCASE**  
Dental Laboratories

286 Vick St.  
Charlotte, FL 33980  
www.Showcasedental.com

Phone: 888 625-5757  
Phone: 941 625-5757  
Fax: 877 625-7980  
DL#10964

Doctor: Dr. P. P. P.  
Office: Traverse  
E-Mail: Traverse  
Address: 3000 N. 1st St.  
City, St, Zip: Traverse, MI 49783  
Patient Name: Last: [Redacted] First: P. P.  
Due Date: 8/15/12 Appt. Date: 8/15/12  
Male ☒ Female ☐

**Case Design**  
Crown to Fit Partial            Rest on Crown            Guide Plane             
Keep PC's Partial            MO            Distal             
Resin Pattern Dup            DO            Mesial             
Cingulum            Survey Crown             
Lingual Shelf           

**Margin Design-Porcelain** **Margin Design-Metal**

Porcelain Facial Margin                                                         
Porcelain Margin 360                                                         
Lack of Occlusal Space: Spot Opposing            Reduce Prep             
Reduction Coping            Call           

E-mail Pictures to: info@showcasedental.com

Alt View Plain fab.  
Special Instructions: SHUXER # 19.

**Shade**  
Single Tooth# A3 Bridge Tooth#           

**Shade**  
Stump#                                                         
Noble White                                                         
Noble Yellow                                                       

**Material**  
Precious                                                         
e White                                                         
e Yellow                                                         
Noble White                                                         
Noble Yellow                                                       

**Part Included please list**

Signature: Chelle R Date: 05/29/15

Exhibit A

KDA-004856

LABORATORY PROCEDURE AUTHORIZATION		LAB REQ. #	<b>55816</b>
TO: <u>HOUSE CASE</u>		DATE SENT:	<u>8/8/12</u>
STREET: <u>General Dentistry</u>		TRY-IN:	
CITY:	STATE:	FINISH:	<u>8/27/12</u>
FROM: <u>General Dentistry</u>		MATERIAL:	
<u>685 Royal Palm Beach Blvd.</u>		SHADE:	<u>A2.</u>
<u>Suite 204</u>		MOULD:	
STREET: <u>685 Royal Palm Beach, FL 33411</u>		TYPE OF CASE	
CITY:	STATE:	COMPLETE DESCRIPTION	
NAME:			

Ry #31 Benzic crown

Thanks:

ADDITIONAL INSTRUCTIONS ON REVERSE SIDE		YES <input type="checkbox"/> NO <input type="checkbox"/>
DENTIST'S SIGNATURE:	<u>[Signature]</u>	
This Form Supplied by the Florida State Board of Dentistry in compliance with Section 466.021 Florida Statutes.		
LICENSE NO.		<b>C-5577225</b>



22286 Vick St.  
Port Charlotte, FL 33980  
www.Showcasedental.com

Phone: 888 625-5757  
Phone: 941 625-5757  
Fax: 877 625-7980  
DI#10964

Doctor M. Stouffer Phone 23476  
Office 23476  
E-Mail 23476  
Address 23476 Suite# 23476  
City, St, Zip 23476  
Patient Name-Last 23476 First 23476  
Due Date 23476 Appt. Date 23476  
Male 23476 Female 23476

Metal 23476 Upper 23476 Lower 23476  
Cr.Co. 23476 Upper 23476 Lower 23476  
Vitalium 23476 Upper 23476 Lower 23476  
Titanium 23476 Upper 23476 Lower 23476  
LAB DESIGN 23476 Upper 23476 Lower 23476  
OR - ATTACH PARTIAL DESIGN ADDENDUM

Tooth Shade 23476 Acrylic Shade 23476  
Value Set-Up 23476 Premium Set-Up 23476  
(Classic Teeth) (Myerson Teeth)

#### Partial Set-up & Process

Set-Up 23476 Upper 23476 Lower 23476  
Acrylic Partial Set Up 23476 Upper 23476 Lower 23476  
Flexi Partial Set-Up 23476 Upper 23476 Lower 23476  
Immediate Partial Set Up 23476 Upper 23476 Lower 23476  
Partial Set-Up 23476 Upper 23476 Lower 23476  
Acetal Nesbit (Tooth Shade) 23476 Upper 23476 Lower 23476

#### Dentures Set-up & Process

Set-Up 23476 Upper 23476 Lower 23476  
Immediate Denture Set Up 23476 Upper 23476 Lower 23476  
Denture Set-Up 23476 Upper 23476 Lower 23476  
Occlusal Guards 23476 Upper 23476 Lower 23476  
Athletic Guard 23476 Upper 23476 Lower 23476  
Hard 23476 Upper 23476 Lower 23476

E-mail Pictures to: info@showcasedental.com

#### Special Instructions:

PLEASE HAVE 700 MOUNT USE ACCORDING TO PRE FABRICATE  
ORIGINAL BRACKETS AND #31 SHADE 1-10-12. BLACK OUT UNDERLIES  
Signature Maria Stouffer Date 8/16/12  
Light Adminstrator (1)

REMOVABLE LAB SCRIPT

# LAB SCRIPT FIXED



## **SHOWCASE**

Phone: 888 625-5757  
Phone: 941 625-5757  
Fax: 877 625-7980  
DL#10964

**22286 Vick St.  
Port Charlotte, FL 33980  
[www.Showcasedental.com](http://www.Showcasedental.com)**

07032

license# 10588

天

Doctor Paul Boldt License # 18815  
 Office Griv-Riverside Contact \_\_\_\_\_  
 E-Mail \_\_\_\_\_ Phone 924-34-4033  
 Address 751 Oak St Suite # 601  
 City, St, Zip Dachssville, FL 32004  
 Patient Name Last [REDACTED] First Kelly  
 Date 8-17-13 Appt. Date \_\_\_\_\_

Case Design	Rest on Crown	Guide Plane
Crown to Fit Partial	MO	Distal
Keep Pt's Partial	DO	Mesial
Resin Pattern Dup	Cingulum	Survey Crown
	Lingual Shelf	

**Marginal Design-Porcelain**

Porcelain Facial Margin \_\_\_\_\_

Porcelain Marginal Margin 360 \_\_\_\_\_

**Marginal Design-Metal**

Anterior \_\_\_\_\_

Posterior \_\_\_\_\_

Reduce Prep \_\_\_\_\_

**Lack of Occlusal Space:** Spot Opposing \_\_\_\_\_

Reduction Coping \_\_\_\_\_

Call \_\_\_\_\_

E-mail Pictures to: [info@showcasedental.com](mailto:info@showcasedental.com)

Special Instructions: RINGIER 18.19 CIPROAN

**Implant Case**

Signature \_\_\_\_\_ Date \_\_\_\_\_

**LABORATORY PROCEDURE AUTHORIZATION** **54136**

TO: Shorecase DATE SENT: 4-6-22-12

STREET: \_\_\_\_\_ TRY-IN: \_\_\_\_\_

FINISH: 7-6-12

CITY: \_\_\_\_\_ MATERIAL: \_\_\_\_\_

FROM: N. Jenkins (FHC) SHADE: A2

STREET: 3400 Lee Blvd MOULD: \_\_\_\_\_

CITY: L. Pines STATE: FL TYPE OF CASE: \_\_\_\_\_

NAME: MUSCIE COMPLETE DESCRIPTION: \_\_\_\_\_

By Please Fabricate Boxir crown #13

Thank you.

ADDITIONAL INSTRUCTIONS ON REVERSE SIDE YES ☐ NO ☐

LICENSE NO. **C-5289693**

DENTIST'S SIGNATURE: \_\_\_\_\_

This Form Supplied by the Florida State Board of Dentistry in compliance with Section 466.021 Florida Statute.

Exhibit A

KDA-004860



Phone: 888 625-5757  
Phone: 941 625-5757  
Fax: 877 625-7980  
DL#10964

22286 Vick St.

Port Charlotte, FL 33980  
www.Showcasedental.com

Doctor: **M. Stearns**

Office: **CRF Expressions** Contact: **1111 1111**

E-Mail: **3887 Highway S** Phone: **772 989 6200**

City, St, Zip: **Daytona Beach, FL 32135** Suite#: **6**

Patient Name: **Last: [Redacted] First: [Redacted]**

Due Date: **8/13/12** Appt. Date: **8/14/12**

Male ☐ Female ☐

Metal ☐ Upper ☐ Lower ☐ Esthetic Clasp-Tooth # ☐ Upper ☐ Lower ☐ Shade ☐

Cr. Co. ☐ Bite Rim ☐ Upper ☐ Lower ☐

Titanium ☐ Custom Tray ☐ Upper ☐ Lower ☐

LAB DESIGN ☐ OR - ATTACH PARTIAL DESIGN APPENDUM

Tooth Shade ☐ Acrylic Shade ☐

Value Set-Up ☐ Premium Set-Up ☐ Select Set-Up ☐

(Classic Teeth) (Myerson Teeth) (IPN Portrait Teeth)

Partial Set-up & Process

Set-Up ☐ Upper ☐ Lower ☐

Acrylic Partial Set Up ☐ Upper ☐ Lower ☐

Flexi Partial Set-Up ☐ Upper ☐ Lower ☐

Immediate Partial Set Up ☐ Upper ☐ Lower ☐

Partial Set-Up ☐ Upper ☐ Lower ☐

Acetal Nesbit (Tooth Shade) ☐ Upper ☐ Lower ☐

Dentures Set-up & Process

Set-Up ☐ Upper ☐ Lower ☐

Immediate Denture Set Up ☐ Upper ☐ Lower ☐

Denture Set-Up ☐ Upper ☐ Lower ☐

Occlusal Guards ☐ Upper ☐ Lower ☐

Athletic Guard ☐ Upper ☐ Lower ☐

Hard ☐ Upper ☐ Lower ☐

E-mail Pictures to: info@showcasedental.com

Special Instructions:

Please for Impressions mount case according to bite this  
labware ~~showcase~~ (Flexi) even #3 shade for city  
Signature: **M. Stearns, DDS** Date: **7/30/2012** 2x pages of labwork  
minor nit and overbites.

REMOVABLE LAB SCRIPT

fixed



LABORATORY PRI  
AUTHORIZAT

8419

TO:	DATE SENT:	TRY-IN:
STREET:	05/17/04	
CITY:	STATE:	FINISH:
FROM -	06/02/11	MATERIAL:
STREET:		SHADE:
CITY:		MOULD:
NAME:		TYPE OF CASE:

COMPLETE DESCRIPTION

Rx

Pearl fabricate  
Brigell 29 X 31

Brux Zirconia

Slushy Oxy Dec

Thank you

ADDITIONAL INSTRUCTIONS ON REVERSE	YES <input type="checkbox"/> NO <input type="checkbox"/>
SIGNATURE	LICENSE NO. 17619
LABFORM #1001	D-4570410

REORDER OBS 1-800-634-1876

Exhibit A

KDA-004862

LABORATORY PROCEDURE AUTHORIZATION		LAB REG. #	2564
Showcase Dental Lab 4120 Tamiami Trail D1 SHELTON, Charlotte, FL 33952		TRY-IN:	6-16-11
CITY: MISSO # DL 10984		FINISH:	6-30-11 3:50
FROM Frederick J. Fox III, DMD SIRE: 216 W. Helen Ave. Punta Gorda, FL 33950		MATERIAL:	Bruxer
CITY: DN 16548 STATE:		SHADE:	A3 Vita
NAME: Wayne		MOULD:	Bruxer
COMPLETE DESCRIPTION		TYPE OF CASE	# 31
<p>Ry Probe constant #31</p> <p>Bruxer, Vita A3</p> <p>Shade</p> <p>FL 103</p>			
ADDITIONAL INSTRUCTIONS ON REVERSE SIDE YES <input type="checkbox"/> NO <input type="checkbox"/>		DATE: 6-16-11	
DENTIST'S SIGNATURE		C-4857344	
This Form Supplied by the Florida State Board of Dentistry in compliance with Section 466.02, Florida Statutes.			

1990


**SHOWCASE**  
Dental Laboratories

 4120 Tamiami Trail Suite B • Port Charlotte, FL 33952  
 941-625-5757 • 888-625-5757 • Fax 941-625-7980  
 www.showcasedental.com

## LAB SCRIPT

Ac # 8892

Doctor yamashita

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Phone # \_\_\_\_\_

Contact Name \_\_\_\_\_

Patient Name TedDate Due 10/12/10

DL# 10964

**FIXED****PFM**

Non Precious

Noble

High Noble White

High Noble Yellow

CAPTEK

Shade A3

Single tooth # \_\_\_\_\_ Bridge tooth# \_\_\_\_\_

**Metal Free**

Empress Veneer/inlay

Empress Crown

E-MAX

Circon\*

Shade \_\_\_\_\_ Stumpf \_\_\_\_\_

**Full Cast Crown**

Non-Precious

Noble White

Noble Yellow

High Noble Yellow

High Noble White

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Preferences**Porcelain Butt Margin Design ☐ 180° ☐ 360°

please fabricate full Cercon crown  
#3

**REMOVABLES**

Tooth shade \_\_\_\_\_

Classic \_\_\_\_\_ Mould \_\_\_\_\_

Portrait IPN \_\_\_\_\_ Mould \_\_\_\_\_

Acrylic Shade: Original \_\_\_\_\_ Lt Reddish Pink \_\_\_\_\_

Light \_\_\_\_\_ Dark \_\_\_\_\_

**Partial Dentures**

Upper \_\_\_\_\_ Lower \_\_\_\_\_

Chrome Cobalt

Vitalium 2000+

FRS Flexible Partial Set-Up

FRS Flexible Partial Process

Flipper (No clasps)

Partial Set-up

Partial Process

Acrylic Partial Set-up

Acrylic Partial Process

**Dentures**

Denture Set-up

Denture Process

**SPECIAL INSTRUCTIONS**SIGNATURE [Signature]LICENSE # 15253 DATE 9/28/10

## LAB SCRIPT

5428



SHOWCASE

941-625-5757 • 888-625-5757 • Fax 941-625-7980  
www.showcasedental.com

DL# 10964

**FIXED****PFM**

Non-Precious  
Noble  
High Noble White  
CAPTEK

Shade A2

Single tooth # \_\_\_\_\_ Bridge tooth# \_\_\_\_\_

**Metal Free**

Emax Veneer/inlay/onlay  
Emax Crown  
Zirconia  
Circon\*

Shade A2 Stumpf \_\_\_\_\_**Full Cast Crown**

Non-Precious  
Noble White  
Noble Yellow

zinosior #18**Preferences**

Porcelain Butt Margin Design \_\_\_\_\_

Doctor mitcheal  
Address paradise dental  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
Phone # \_\_\_\_\_  
Contact Name \_\_\_\_\_  
Patient Name CAROL  
Date Due 3/16/11

**REMOVABLES**

Tooth shade \_\_\_\_\_

Value \_\_\_\_\_ Mould \_\_\_\_\_

Premium \_\_\_\_\_ Mould \_\_\_\_\_

IPN \_\_\_\_\_ Mould \_\_\_\_\_

Acrylic/Tissue Shade: \_\_\_\_\_

**Partial Dentures**

Upper

Lower

Flipper (1 Tooth) \_\_\_\_\_

Acrylic Partial Set-up \_\_\_\_\_

Acrylic Partial Finish \_\_\_\_\_

Flexible Partial Set-Up \_\_\_\_\_

Flexible Partial Finish \_\_\_\_\_

Chrome Cobalt \_\_\_\_\_

Vitalium 2000 \_\_\_\_\_

Titanium \_\_\_\_\_

Partial Set-up \_\_\_\_\_

Partial Finish \_\_\_\_\_

**Dentures**

Denture Set-up \_\_\_\_\_

Denture Finish \_\_\_\_\_

**SPECIAL INSTRUCTIONS**

Please fabricate  
zinosior crown #18  
in shade A2

SIGNATURE

C. Mitchell

LICENSE #

10418

DATE

3/2/11

LABORATORY PROCEDURE AUTHORIZATION		LAB REG. #
TO: <u>Showcase</u>	DATE SENT: <u>9-22-10</u>	
STREET:	TRY-IN:	
CITY:	STATE:	FINISH: <u>10-6-10</u>
FROM - <u>Dendoshtic</u>	MATERIAL: <u>ASAP</u>	
STREET:	SHADE:	
CITY:	STATE:	MOULD:
NAME: <u>[REDACTED] Ben</u>	TYPE OF CASE:	

## COMPLETE DESCRIPTION

Rx

1254

Remake -  
 Porcelain Broke  
 → BRUX Zirconia ?

ADDITIONAL INSTRUCTIONS ON REVERSE YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
DENTIST'S SIGNATURE <u>[Signature]</u>	LICENSE NO <b>D- 4571189</b>

LAB FORM #01001

RECD/NOI OBS 1-400-834-18/6

# LAB SCRIPT

**SHOWCASE**  
Dental Laboratories4120 Tamiami Trail Suite B • Port Charlotte, FL 33952  
941-625-5757 • 888-625-5757 • Fax 941-625-7980  
www.showcasedental.com

DL# 10964

**FIXED****PFM**Non Precious  
Noble  
High Noble White  
High Noble Yellow  
CAPTEKShade \_\_\_\_\_  
Single tooth # \_\_\_\_\_ Bridge tooth# \_\_\_\_\_**Metal Free**Empress Veneer/Inlay  
Empress Crown  
E-MAX  
Circon™

Shade \_\_\_\_\_ Stumpf \_\_\_\_\_

**Full Cast Crown**Non-Precious  
Noble White  
Noble Yellow  
High Noble Yellow  
High Noble White

Shade \_\_\_\_\_ Stumpf \_\_\_\_\_

**Preferences**Porcelain Butt Margin Design ☐ 180° ☐ 360°Doctor MARTINEZ  
Address FHC  
City Port Charlotte State FL ZIP   
Phone #   
Contact Name   
Patient Name GARY  
Date Due 10-21-10**REMOVABLES**Tooth shade \_\_\_\_\_  
Classic \_\_\_\_\_ Mould 1737  
Portrait IPN \_\_\_\_\_ Mould \_\_\_\_\_Acrylic Shade: Original \_\_\_\_\_ Lt Reddish Pink \_\_\_\_\_  
Light \_\_\_\_\_ Dark \_\_\_\_\_**Partial Dentures**Chrome Cobalt  
Vitallium 2000+

Upper \_\_\_\_\_ Lower \_\_\_\_\_

FRS Flexible Partial Set-Up  
FRS Flexible Partial Process

Flipper (No clasps)

Partial Set-up  
Partial ProcessAcrylic Partial Set-up  
Acrylic Partial Process**Dentures**Denture Set-up  
Denture Process

Upper \_\_\_\_\_ Lower \_\_\_\_\_

**SPECIAL INSTRUCTIONS***Pls fabricate zirconia  
crown for tooth  
#18.*

SIGNATURE \_\_\_\_\_

LICENSE # DN18604 DATE 9/7/10

**LABORATORY PROCEDURE  
AUTHORIZATION** **8075**

TO: <u>Source</u>	DATE SENT: <u>5/3/11</u>
STREET: <u>James Family</u>	TRY-IN: _____
CITY: _____	FINISH: <u>5/27/11</u>
STATE: _____	MATERIAL: _____
FROM: <u>General Dentistry</u>	SHADE: <u>A4</u>
STREET: <u>441 Palm Beach Blvd.</u>	MOULD: _____
SUITE: <u>204</u>	TYPE OF CASE: _____
CITY: <u>Palm Beach, FL 33411</u>	
STATE: _____	
NAME: <u>[Redacted]</u>	

**COMPLETE DESCRIPTION**
**R**
**#** Bonzir Crown
#18, 19 & 20

Please use Impression  
#2 to finalize mesial  
margin of #18 Trache

ADDITIONAL INSTRUCTIONS ON REVERSE SIDE YES ( ) NO ( )	
DENTIST'S SIGNATURE: <u>[Signature]</u>	DATE: <u>04/18/11</u>
This Form Supplied by the Florida State Board of Dentistry in compliance with Section 466.021 Florida Statutes.	
	C-4770379

Please Call if Any ?'s



## LAB SCRIPT

4340



SHOWCASE

22286 Vick St.  
Port Charlotte, FL 33981941-625-5757 • 888-625-5757 • Fax 941-625-7980  
www.showcasedental.com

DL# 10964

**FIXED**

Shade \_\_\_\_\_

**PFM**

Single tooth # \_\_\_\_\_ Bridge tooth# \_\_\_\_\_

Non Precious  
Noble  
High Noble White  
CAPTEK**Metal Free**

Shade \_\_\_\_\_ Stumpf \_\_\_\_\_

Emax Veneer/Inlay/Onlay  
Emax Crown  
Zirconia  
Cercon**Full Cast Crown**Non-Precious  
Noble White  
Noble Yellow**Preferences**

Porcelain Britt Marqu Design \_\_\_\_\_

Bratt 29

SIGNATURE \_\_\_\_\_

Doctor \_\_\_\_\_  
Contact Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
Phone # \_\_\_\_\_  
Patient Name Wylma Lee  
Date Due 8/10 - 8/25**REMOVABLES**Tooth shade \_\_\_\_\_  
Value \_\_\_\_\_ Mould \_\_\_\_\_  
Premium \_\_\_\_\_ Mould \_\_\_\_\_  
IPN \_\_\_\_\_ Mould \_\_\_\_\_

Acrylic/Tissue Shade: \_\_\_\_\_

**Partial Dentures**

Upper \_\_\_\_\_ Lower \_\_\_\_\_

Flipper (1 tooth) \_\_\_\_\_

Acrylic Partial Set-up  
Acrylic Partial FinishFlexible Partial Set-up  
Flexible Partial FinishChrome Cobalt  
Vitalium 2000  
TitaniumPartial Set-up  
Partial Finish**Dentures**Denture Set-up  
Denture Finish**SPECIAL INSTRUCTIONS**

Exhibit A

KDA-004869

**LAB SCRIPT****3134****SHOWCASE**

Dental Laboratories

22286 Vick St.

Port Charlotte, FL 33980

941-625-5757 • 888-625-5757 • Fax 941-625-7980

www.showcasedental.com

DL# 10964

**FIXED****PFM**

Non Precious

Noble

High Noble White

CAPTEK

Shade C1

Single tooth # \_\_\_\_\_ Bridge tooth# \_\_\_\_\_

_____	_____
_____	_____
_____	_____
_____	_____

**Metal Free**

Emax Veneer/inlay/onlay

Emax Crown

Zirconia

Cercon\*

Shade \_\_\_\_\_ Stumpf \_\_\_\_\_

_____	_____
<u>19</u>	_____
_____	_____
_____	_____

**Full Cast Crown**

Non-Precious

Noble White

Noble Yellow

_____	_____
_____	_____
_____	_____

**Preferences**

Porcelain Butt Margin Design \_\_\_\_\_

Doctor Paul Boldt

Contact Name \_\_\_\_\_

Address 251 Oak St #601City Jacksonville State FL ZIP 32204Phone # 904-354-4031Patient Name DeniseDate Due 8-3-11**REMOVABLES**

Tooth shade \_\_\_\_\_

Value \_\_\_\_\_ Mould \_\_\_\_\_

Premium \_\_\_\_\_ Mould \_\_\_\_\_

IPN \_\_\_\_\_ Mould \_\_\_\_\_

Acrylic/Tissue Shade: \_\_\_\_\_

**Partial Dentures**

Upper

Lower

Flipper (1 Tooth) \_\_\_\_\_

Acrylic Partial Set-up \_\_\_\_\_

Acrylic Partial Finish \_\_\_\_\_

Flexible Partial Set-Up \_\_\_\_\_

Flexible Partial Finish \_\_\_\_\_

Chrome Cobalt \_\_\_\_\_

Vitallium 2000 \_\_\_\_\_

Titanium \_\_\_\_\_

Partial Set-up \_\_\_\_\_

Partial Finish \_\_\_\_\_

**Dentures**

Denture Set-up \_\_\_\_\_

Denture Finish \_\_\_\_\_

**SPECIAL INSTRUCTIONS**

Bonez #19  
Shade C1

SIGNATURE \_\_\_\_\_

LICENSE # 1212DATE 7-11-11**Exhibit A**

KDA-004870

# EXHIBIT B

Showcase Dental Laboratory, Inc.

Page 1 of 1


 EMAIL   
 PHONE: 888.625.5757

 Know us by our  
 Smiles!

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## News.....

### Going Green

Showcase Dental Lab is going green. Each case is wrapped in a plastic bag for safety, convenience and cleanliness. Typically, a plastic bag is used when the Dr. sends SHOWCASE an impression. Another plastic bag is used when the completed case is returned to the Dr's office. This makes many plastic bags going into the land fill.

Showcase Dental Lab is now using plastic bags with a green stripe on them whenever possible. These new plastic bags are biodegradable. We care about our work and we care about the eco-system. Please contact us for further information.

### Showcase Dental product name change

Glidewell Industries has asked Showcase Dental Lab to no longer use the name Zir-Bruxer, they feel this is too close to their trademark name of BruxZir. We do not agree with their claim but we do believe in keeping the dental laboratory business a respectful business.

Showcase Dental Lab strives to have the best quality, and the best customer service possible. Changing the name of a product will be best to keep Showcase Dental Lab concentrating on what is most important, our customers and their patients, our quality and our customer service.

"The serious matter of your infringement of my client's proprietary property rights in connection with the unauthorized use Glidewell Laboratories' registered trademarks and copyrighted images on your website has come to our attention.

Glidewell Laboratories has for years used the mark BRUXZIR both nationally and internationally to identify its dental laboratory goods and services in the US and its CE certified BruxZir® zirconia milling blanks in Europe. The company enjoys considerable good will associated with its use of the aforesaid mark.

The promotion of dental laboratory services by your lab of a Zir-Bruxer Crown is using a similar mark where there is an appreciable likelihood of confusion and a palming off goods by an unauthorized substitution of one brand for the brand ordered, which in this instance is a deliberate misappropriation of intellectual capital for commercial purposes that is actionable unfair competition under state and federal laws.

Under federal law, Trademark Infringement is presumptively an unfair exploitation of the monopoly privilege that belongs to the owner of the mark. Infringement is a 'tarnishment' of the owner's mark and results in "brand confusion" and the likelihood of 'initial interest' confusion as to the actual identity of the source of the goods and services.

For the above reasons, we must insist that you immediately cease use of the infringing marks and copyrighted images in your promotions and elsewhere. Should you not terminate use of the mark and copyrighted images, Glidewell Laboratories reserves its rights to take legal action to stop you from using the mark and intellectual properties by seeking an injunction, monetary relief, and attorney fees.

Please contact me, or have your attorney contact me, within ten days of receipt of this communication if you are unsure about the appropriate steps that you must take to avoid liability for your refusal to discontinue your use of the infringing marks. Additionally, if you wish to be on the list of BruxZir® authorized dental laboratories, call Glidewell Direct.

Your prompt attention is appreciated.

Sincerely,  
 KEITH D. ALLRED  
 Attorney for Glidewell Laboratories  
 4141 MacArthur Blvd.  
 Newport Beach, CA 92660"

**We have hereby changed the name of our product to reflect the shape and product make-up: "Full Contour Zirconia"**

22286 Vick Street, Port Charlotte, FL 33980 \* 888.625.5757 \* email  
 Copyright© 2008-2012 by Showcase Dental Laboratory, Inc. All rights reserved. \* site by CeJay Associates, LLC

GL 241

(Page 71 of 99)

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**From:** Keith Allred  
**Sent:** Wednesday, January 11, 2012 8:30 AM  
**To:** Carol Frattura  
**Cc:** Victor  
**Subject:** RE: BRUXZIR Infringement - SHOWCASE DENTAL LABORATORIES

Hello Carol:

Thank you for your prompt response. We certainly do appreciate your understanding in this matter. We have the utmost respect for all of the challenges that you face in fulfilling the expectations of your clients on a daily basis and wish you success. Glidewell Labs has invested several millions of dollars in developing and marketing the BRUXZIR brand of full zirconia restorations. Legal precedents require that Glidewell Laboratories actively protect the trademarked brand or risk losing its unique value. The network of partner authorized dental laboratories also expect Glidewell Labs to ensure trademark law enforcement to protect the time, energy and resources they have invested to provide authentic BRUXZir® dental restorations to their clients.

The 'confusingly similar' type of infringement is different from, for example, a third parties' unauthorized use of reserved marks like 'Super Bowl' or 'Olympics.' Even so, the same basic principles apply—e.g., even the slogan or nickname of a radio station with the call sign KISS is entitled to claim an infringement of their mark by another station's use of KIIS. Although these call signs are *different* (and, even if as in this example such use has FCC approval) a federal court would find that one infringed the other as a matter of trademark law since both are pronounced the same way. (*Citicasters Licenses, Inc. v. Cumulus Media, Inc.*, 189 F. Supp. 2d 1372, 1377)

Sincerely,  
Keith

---

**From:** Carol Frattura [mailto:carol@showcasedental.com]  
**Sent:** Wednesday, January 11, 2012 5:42 AM  
**To:** Keith Allred  
**Cc:** Victor; carol@showcasedental.com  
**Subject:** RE: BRUXZIR Infringement - SHOWCASE DENTAL LABORATORIES

Keith,

In all honesty, I do not feel what you saying about the infringement is at all correct! There is the other side to this, I do not wish to make anyone uncomfortable. We at Showcase Dental Lab take pride in our work and the knowledge of our business. We strive to have the best quality, and the best customer service possible. A name of a crown is not going to change a single part of my customer's satisfaction of my products or whether they use my lab or even request this product. That is the best part of having a good reputation, quality work, dependability and reliability.

Since we are almost ready to go to print on our next lab script we will give our crown a name change. Again we do not feel in any way we are wrong, but I feel customer satisfaction is of the utmost and if you feel there could possibly be any confusion, I want to be sure my customers have the knowledge they are getting the best quality products and they are not getting a "look-alike" or a 2<sup>nd</sup> quality restoration. I appreciate you bringing this to my attention.

I wish the best of luck to you and I hope this will satisfy you, please be assured Showcase Dental Lab will always work to deliver only the best in quality and satisfaction, please let me know if there is anything I can do for you in the future.

Thank You,

*Carol Frattura*



SHOWCASE

941.625.5757 Office  
941.456.1560 Mobile

This message contains confidential information intended only for the use of the addressee(s) named above and may contain information that is legally privileged.

If you are not the addressee, or the person responsible for delivering it to the addressee, you are hereby notified that reading, disseminating, distributing or copying this message is strictly prohibited. If you have received this message by mistake, please immediately notify us by replying to the message and delete the original message immediately thereafter.

Thank you.

Carol Frattura  
Showcase Dental Lab

**From:** Keith Allred [mailto:kallred@glidewell dental.com]

**Sent:** Tuesday, January 10, 2012 6:50 PM

**To:** Carol Frattura

**Subject:** RE: BRUXZIR Infringement - SHOWCASE DENTAL LABORATORIES

Hello Carol:

Responding to your email of even date below this is an IP (intellectual property) matter. You have raised several issues. A trademark attorney is the best person to consult with about these matters.

Addressing other matters you have raised, we are not talking about Glidewell Laboratories' patent rights such as those related to the fabrication of BruxZir Zirconia Blocks, Colorants, Mills & etc. This matter concerns the infringement of Glidewell's BRUXZIR mark, Reg. No. 3,739,663, applied for June 6, 2009 and registered January 19, 2010, as follows:

From the Trademark website:

<b>Word Mark</b>	<b>BRUXZIR</b>
<b>Goods and Services</b>	IC 010. US 026 039 044. G & S: Dental bridges; Dental caps; Dental crowns; Dental inlays; Dental onlays; Dental prostheses. FIRST USE: 20090606. FIRST USE IN COMMERCE: 20090606
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	77761757
<b>Filing Date</b>	June 17, 2009
<b>Current Filing Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	November 3, 2009
<b>Registration Number</b>	3739663
<b>International Registration Number</b>	1034335
<b>Registration Date</b>	January 19, 2010
<b>Owner</b>	(REGISTRANT) James R. Glidewell, Dental Ceramic, Inc. DBA Glidewell Laboratories CORPORATION CALIFORNIA Professional Services 4141 MacArthur Blvd. Newport Beach CALIFORNIA 92660
<b>Attorney of Record</b>	Keith D. Allred, Esq.
<b>Type of Mark</b>	TRADEMARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

A trademark infringement is based on "confusing similarity" of marks and services. And, marks can be confusingly similar even if not identical. BRUXER sounds like BRUXZIR.

Assuming Zir-Bruxer is descriptive (such as "bag" "box" "shoe" etc. ) when applied to professional dental products, can those items be appropriated to one party's exclusive use? Yes.

As you probably know, descriptive terms can become exclusive trademarks when they acquire secondary meaning. Glidewell Laboratories has exclusively and extensively used the mark BRUXZIR in the dental industry. Unquestionably it has acquired secondary meaning, and it has the exclusive right to use the mark in the dental field, especially where Glidewell is catering to the same channels of trade with the same goods.

Moreover, it is clear that Zir-Bruxer is being used to the name for the very same goods that Glidewell Laboratories describes as BruxZir® Solid Zirconia Crowns and Bridges. The words "crown" and "zirconia" are, of course, generic terms. Trademarks rights do, however, apply to the term BRUXER when used to describe crowns made of zirconia.

Under these circumstances, it is difficult to argue that a continuing use by Showcase DL if a confusingly similar mark is not willful trademark infringement. Nevertheless, unless it has to, Glidewell prefers resolving this in a business-to-business fashion without resort to the courts. We appreciate your willingness to consider promptly changing the name of your full solid zirconia crowns to avoid litigation.



Sincerely,

---

Keith Allred

---

**From:** Carol Frattura [mailto:carol@showcasedental.com]  
**Sent:** Tuesday, January 10, 2012 2:22 PM  
**To:** Keith Allred  
**Subject:** RE: BRUXZIR Infringement - SHOWCASE DENTAL LABORATORIES

Keith,

I have asked my IT person to change the image already, I will check with my attorney on the name, I do think we are not within the % of change to constitute infringement. I will let you know as soon as I have an answer. If you have a more definitive answer I will be happy to change the name immediately. We have been using this name since long before your patent in May of 2011. I understand that will not make a difference IF there are infringements but I do not believe there are.

I also know it is not possible to patent a name such as "bag" "box" "shoe" etc. my description of my product falls under this category of a generic name.

Thank you again,

If you have the name change percentages and my description falls within those guidelines again, I will be happy to change my generic description.

---

**From:** Keith Allred [mailto:kallred@glidewell dental.com]  
**Sent:** Tuesday, January 10, 2012 4:45 PM  
**To:** info  
**Cc:** Victor; carol@showcasedental.com  
**Subject:** RE: BRUXZIR Infringement - SHOWCASE DENTAL LABORATORIES

Hello Carol:

I am pleased to represent Glidewell Laboratories in connection with its trademark and unfair competition matters. I brought to your attention below that your company is currently marketing a full contour zirconia crown under the name Zir-Bruxer.

I explained to you that Glidewell has used the mark BRUXZIR in connection with full contour zirconia crowns. I also have informed you that Glidewell Laboratories owns the federal registration number for the mark. Like the Glidewell product, Showcase DL's product also is sold only to dentists and dental professionals.

Since both products are closely related and move in the identical marketing channels and the marks are virtually identical, there is little doubt that your firm's marketing of a crown under the mark Zir-Bruxer constitutes trademark infringement. Additionally, your unauthorized use of

the image of a BruxZir® Solid Zirconia bridge in connection with the promotion of your goods can only be seen is an intentional act of material misrepresentation.

For the above reasons, we must insist that you immediately cease your infringement of my client's proprietary property rights. Otherwise, Glidewell reserves its rights to take legal action to prevent future acts of infringement by seeking an injunction to prevent the fabrication or importation of infringing goods and all other relief as may be deemed appropriate.

Sincerely,

---

Keith Allred

---

**From:** info [mailto:info@showcasedental.com]  
**Sent:** Tuesday, January 10, 2012 11:42 AM  
**To:** Keith Allred  
**Cc:** Victor; carol@showcasedental.com  
**Subject:** RE: BRUXZIR Infringement - SHOWCASE DENTAL LABORATORIES

KEITH D. ALLRED  
Attorney for Glidewell Laboratories

Can you explain this better, Bruxer – from Wikipedia “a “bruxer” (someone who clenches or grinds their teeth)” or simply put, a person with a habit – bruxist, bruxing etc. I did not know Glidewell has a patent on a patient habit? Zirconia is a generic name for a product. I will be happy to change my name if you will give me further explanation of the infringement, I do not see we have anything in common, I do not try in any way to copy or infringe on Glidewell's patented name. So I would simply like some further information, I just don't want to be intimidated for no reason, so if this is justified I will be happy to conform, so please send me some information, if you would be so kind.

The name we are using Zir-Bruxer – Short for a zirconia bruxer crown.

Thank you so much for your time

Carol Frattura  
Showcase Dental Lab

**From:** Keith Allred [mailto:kallred@glidewelldental.com]  
**Sent:** Tuesday, January 10, 2012 1:58 PM  
**To:** Carol@ShowcaseDental.com  
**Cc:** Info@ShowcaseDental.com  
**Subject:** BRUXZIR Infringement - SHOWCASE DENTAL LABORATORIES

---

**NOTICE OF TRADEMARK INFRINGEMENT**

---



January 10, 2012

TRANSMITTED VIA EMAIL AND  
DELIVERED BY U.S. MAIL

SHOWCASE DENTAL LABORATORIES  
22286 Vick Street  
Port Charlotte, FL 33980

PHONE: 888.625.5757

[Carol@ShocaseDental.com](mailto:Carol@ShocaseDental.com)

[Info@ShowcaseDental.com](mailto:Info@ShowcaseDental.com)

<http://www.showcasedental.com/>

Attn: President & CEO

**Re: Infringement of Glidewell Laboratories' BruxZir® Trademarks, Misbranding,  
Violation of Federal Acts and State Statutes and Unfair Business Practices**

The serious matter of your infringement of my client's proprietary property rights in connection with the unauthorized use Glidewell Laboratories' registered trademarks and copyrighted images on your website has come to our attention.

Glidewell Laboratories has for years used the mark BRUXZIR both nationally and internationally to identify its dental laboratory goods and services in the US and its CE certified BruxZir® zirconia milling blanks in Europe. The company enjoys considerable good will associated with its use of the aforesaid mark.

The promotion of dental laboratory services by your lab of a Zir-Bruxer Crown is using a similar mark where there is an appreciable likelihood of confusion and a palming off goods by an unauthorized substitution of one brand for the brand ordered, which in this instance is a deliberate misappropriation of intellectual capital for commercial purposes that is actionable unfair competition under state and federal laws.

Under federal law, Trademark infringement is presumptively an unfair exploitation of the monopoly privilege that belongs to the owner of the mark. Infringement is a 'tarnishment' of the

owner's mark and results in "brand confusion" and the likelihood of "initial interest" confusion as to the actual identity of the source of the goods and services.

For the above reasons, we must insist that you immediately cease use of the infringing marks and copyrighted images in your promotions and elsewhere. Should you not terminate use of the mark and copyrighted images, Glidewell Laboratories reserves its rights to take legal action to stop you from using the mark and intellectual properties by seeking an injunction, monetary relief, and attorney fees.

Please contact me, or have your attorney contact me, within ten days of receipt of this communication if you are unsure about the appropriate steps that you must take to avoid liability for your refusal to discontinue your use of the infringing marks. Additionally, if you wish to be on the list of BruxZir® authorized dental laboratories, call Glidewell Direct.

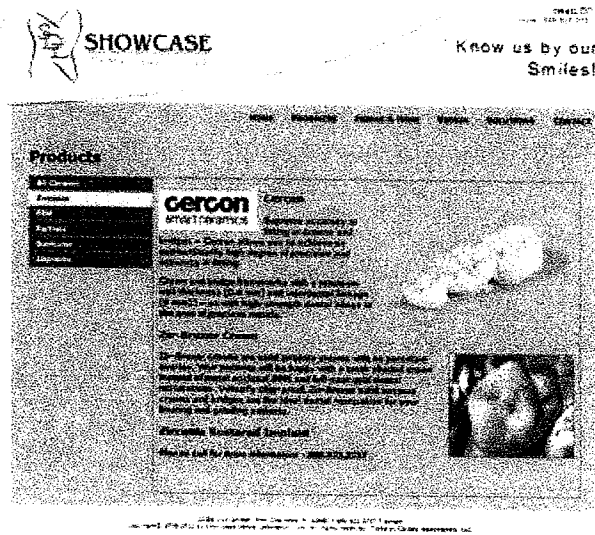
Your prompt attention is appreciated.

Sincerely,  
KEITH D. ALLRED  
Attorney for Glidewell Laboratories  
4141 MacArthur Blvd.  
Newport Beach, CA 92660  
Tel 949-440-2683  
Fax 949-440-2787  
Email [kallred@glidewelldental.com](mailto:kallred@glidewelldental.com)

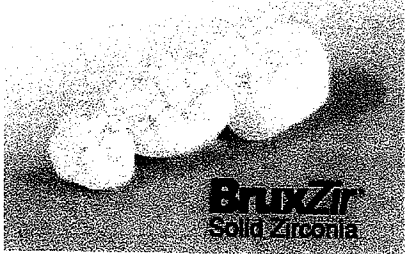
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-- ATTACHMENT "A" --

[Copied from Showcase DL website]



[Note: Example unlawful use above of copyrighted BRUXZIR image]



////